

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis JIMENEZ-Preciado

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **January 11, 2008**, within the Southern District of California, defendant **Jose Luis JIMENEZ-Preciado**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Tecate, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Claudia Rios, Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 14th DAY OF
JANUARY, 2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

On January 11, 2008, at approximately 2200 hours, Jose Luis JIMENEZ-Preciado (Defendant) attempted to enter the United States from Mexico at the Tecate, California Port of Entry vehicle lanes. Defendant was a passenger in a 2006 Nissan 350Z driven by Mauricio Javier Alaniz. Defendant presented a valid California driver license with his name and photo to a Customs and Border Protection (CBP) officer. Defendant told the CBP officer he was born in the United States. The CBP officer conducted a query of Defendant's name and received a computer generated referral indicating Defendant was previously deported from the United States. The CBP officer escorted Defendant, vehicle occupants, and vehicle to secondary for further inspection.

During secondary inspection, Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI and Immigration service Records.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. While conducting CIS and DACS queries, immigration service records indicate Defendant was deported from the United States by an immigration judge on or about April 19, 2000. Immigration service records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico with no legal rights to enter the United States. Defendant admitted he had full knowledge he was banned from entering the United States. Defendant admitted he has not requested nor received permission to reenter the United States. Defendant admitted he was previously deported from the United States. Defendant admitted he made a false claim to United States citizenship and intended to travel to Hacienda Heights, California to reunite with his family.

Executed on this 12th day of January at 1000 hours.


Sergio Barron, CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on January 11, 2008 in violation of Title 8, United States Code, Section 1326.


Magistrate Judge

1-13-08 @ 2:45pm
Date / Time